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9 Attorneys for Plaintiff WESLEY CORBERA

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
9

10 WESLEY CORBERA, as executor of the ) CASE NO. 2:21-CV-1998-KJN  
11 estate of Harrison Carmel Breedlove, )  
12 Deceased, )  
13 Plaintiff, )  
14 vs. )  
15 HENRY JAMES TAYLOR, and DOES 1- )  
10, )  
16 Defendants. )  
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**STIPULATION AND [PROPOSED]  
ORDER FOR FILING OF FIRST  
AMENDED COMPLAINT**

16 TO THE HONORABLE COURT:

17 WHEREAS, Plaintiff filed his original complaint on October 28, 2021, which named Defendant  
18 Henry James Taylor as the sole defendant;

19 WHEREAS, Plaintiff pled that he did not have sufficient facts to state a claim against the  
20 County of Shasta at the time that he filed his complaint, but that he intended to investigate the matter  
21 further;

22 WHEREAS, Plaintiff further pled that if he gathered sufficient information to pursue claims  
23 against the County of Shasta, he would amend the operative complaint to bring *Monell* claims against  
24 the County of Shasta by substituting it as Doe No. 1; and,

25 WHEREAS, Plaintiff has, in the course of discovery and other investigation, recently obtained  
26 information that establishes an adequate basis to plead *Monell* claims against the County of Shasta;

27 NOW, therefore, Plaintiff Wesley Corbera, as administrator of the estate of Harrison Carmel  
28

Breedlove, deceased, and Defendant Henry James Taylor, agree and stipulate as follows:

1. Plaintiff may file a First Amended Complaint in the form of the attached, and
2. Defendant Henry James Taylor waives notice and service of the First Amended Complaint and shall not be required to answer the amendment, and all denials, responses, and affirmative defenses contained in the answer filed by Taylor to the original complaint shall be responsive to the First Amended Complaint.

DATED: August 1, 2022

## BRENT & FIOL, LLP

By: \_\_\_\_\_  
David L. Fiol  
Attorney for Plaintiff

DATED: August 1, 2022

## GOYETTE & ASSOCIATES, INC.

By: \_\_\_\_\_  
Paul Q. Goyette  
Attorney for Henry James Taylor

## ORDER

The parties' above stipulation is APPROVED and adopted as the order of the court. Plaintiff shall forthwith file the First Amended Complaint attached to the Stipulation and Proposed Order as a separate event on the docket. The Clerk of Court shall then issue a summons for newly added defendant the County of Shasta. When serving process under Rule 4, plaintiff shall provide the new

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1 defendant with a copy of the consent information attached to the case initiating documents (ECF  
2 No. 3.1) as well as a copy of this order. **Within 21 days** of being served, the County of Shasta shall  
3 file its Consent/Decline form informing the Clerk of Court whether or not it consents to magistrate  
4 judge jurisdiction for all purposes under 28 U.S.C. § 636(c). Failure to do so will result in the  
5 reassignment of this case to a District Judge, with the undersigned continuing only for those referral  
6 purposes anticipated by the Local Rules.  
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8 Given the anticipated joinder of a new defendant, the court VACATES the status conference  
9 currently set for September 6, 2022. **Within 30 days** of the County of Shasta's filing of an answer to  
10 the First Amended Complaint, the parties shall file a joint status report addressing the relevant portions  
11 of Local Rule 240(a) to facilitate the entry of a pretrial scheduling order. Therein, the parties may  
12 propose dates for a status conference based on the court's available hearing dates or may agree for the  
13 court to enter a scheduling order without the need for a conference.  
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16 Dated: August 4, 2022

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE